

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

-----	:	
UNITED STATES OF AMERICA	:	
	:	CASE NO. 4:09CR356
Plaintiff	:	
	:	
-VS-	:	
	:	
RODNEY A. SMITH, JR.	:	<u>ORDER ACCEPTING PLEA AGREEMENT</u>
	:	<u>AND JUDGMENT AND NOTICE OF</u>
Defendant	:	<u>HEARING</u>
-----	:	

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Greg White regarding the change of plea hearing and plea agreement of Rodney A. Smith, Jr. which was referred to the Magistrate Judge with the consent of the parties.

On 12 August 2009, the government filed a two-count indictment against Rodney A. Smith, Jr. For felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1), and possession of crack cocaine in violation of 21 U.S.C. § 844. On 3 September 2009, a hearing was held in which Rodney A. Smith, Jr. entered a plea of not guilty before Magistrate Judge White. On 17 March 2010, Magistrate Judge White received Rodney A. Smith's plea of guilty and issued a Report and Recommendation

("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Rodney A. Smith, Jr. is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Rodney A. Smith, Jr. is adjudged guilty of Counts One and Two in violation of 18 U.S.C. § 922(g)(1) and 21 U.S.C. § 844.

Sentencing will be:

**27 April 2010 at 9:30 a.m.**

**Courtroom 19-A  
18th Floor, United States District Court  
801 West Superior Avenue  
Cleveland, Ohio 44113**

IT IS SO ORDERED.

Dated: 22 April 2010

/s/Lesley Wells  
UNITED STATES DISTRICT JUDGE